

**CITY OF WATERTOWN, NEW YORK  
AGENDA**

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Monday, August 1, 2011, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF MINUTES**

**COMMUNICATIONS**

**PRIVILEGE OF THE FLOOR**

**RESOLUTIONS**

- Resolution No. 1 - Reappointment to the Empire Zone Administrative Board – James Fitzpatrick
- Resolution No. 2 - Reappointment to the Empire Zone Administrative Board – Peter Sovie
- Resolution No. 3 - Readopting Fiscal Year 2011-12 General, Water and Sewer Fund Budget
- Resolution No. 4 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 12-04-119.000 Known as 626 Academy Street To ICA Renovations 3, LLC
- Resolution No. 5 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 09-14-107.000 Known as 148 Duffy Street To ICA Renovations 3, LLC
- Resolution No. 6 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 03-03-423.000 Known as 525 Mundy Street To ICA Renovations 3, LLC
- Resolution No. 7 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-16-209.000 Known as 514 Frontenac Street To ICA Renovations 3, LLC

- Resolution No. 8 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-20-212.000 Known as VL Superior Street To ICA Renovations 3, LLC
- Resolution No. 9 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-20-213.000 Known as 1005 Superior Street To ICA Renovations 3, LLC
- Resolution No. 10 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 04-26-209.000 Known as 911 Water Street To ICA Renovations 3, LLC
- Resolution No. 11 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 11-05-103.000 Known as 205 Winslow Street To ICA Renovations 3, LLC
- Resolution No. 12 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 05-01-315.000 Known as 131 Michigan Avenue To ICA Renovations 3, LLC
- Resolution No. 13 - Authorizing Acceptance of Assignment of Tax Sale Certificate on Parcel Number 12-05-208.000 Known as 1 Boyd Place From ICA Renovations 3, LLC
- Resolution No. 14 - Finding That the Approval of the Zoning Designation for a 2.485 Acre Portion of Parcel No. 13-23-102.1 as Commercial Will Not Have a Significant Impact on the Environment

## **ORDINANCES**

- Ordinance No. 1 - Designating the Zoning Classification of the Recently Annexed Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial
- Ordinance No. 2 - An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City

**LOCAL LAW**

**PUBLIC HEARING**

**OLD BUSINESS**

          Tabled -                   Resolution Approving Lease Agreement Between the  
  City of Watertown and the Greater Watertown  
  Red and Black, Inc.

**STAFF REPORTS**

1. Letter From Robert Reczko
2. Audio Arsenal
3. Use of Whitewater Park Deck by Maggie's On the River
4. Private Water Laterals, Merline Avenue
5. Notice of Public Hearing, Thousand Islands Hospitality, LLC

**NEW BUSINESS**

1. Review of Alcohol Licensing at City Facilities

**EXECUTIVE SESSION**

**WORK SESSION**

**ADJOURNMENT**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,  
AUGUST 15, 2011.**

Res Nos. 1 and 2

July 22, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Reappointments to the Empire Zone Administrative Board

The terms of the following individuals on the Empire Zone Administrative Board expired on May 31, 2011 and both have expressed an interest in being reappointed:

James Fitzpatrick  
Peter Sovie

Attached for City Council consideration are resolutions reappointing them to a three-year term, such term expiring on May 31, 2014.

# RESOLUTION

Page 1 of 1

Reappointment to the Empire Zone  
Administrative Board – James Fitzpatrick

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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RESOLVED that the following individual is reappointed to the Empire Zone  
Administrative Board for a three-year term, such term expiring on May 31, 2014:

James Fitzpatrick  
837 Holcomb Street  
Watertown, NY 13601

**Seconded by**

# RESOLUTION

Page 1 of 1

Reappointment to the Empire Zone  
Administrative Board – Peter Sovie

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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RESOLVED that the following individual is reappointed to the Empire Zone  
Administrative Board for a three-year term, such term expiring on May 31, 2014:

Peter Sovie  
 19250 Woodside Drive  
 Watertown, NY 13601

**Seconded by**

Res No. 3

July 27, 2011

To: The Honorable Mayor and City Council

From: James E. Mills, City Comptroller

Subject: Re-adoption of FY 2011-12 General, Water and Sewer Funds Budgets

On July 18, 2011 the City Council was presented with a change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot in the amount of \$96,235 of which \$45,150 was applicable to the General Fund, \$14,495 to the Water Fund and \$36,590 to the Sewer Fund. The resolution to approve the change order was subject to City Council's approval of an amended Bond Ordinance to fund the change order.

City Council did not adopt the proposed amended Bond Ordinance as it desired to have the Change Order funded through transfers from the operating funds. Accordingly, a resolution has been prepared for City Council consideration to re-adopt the General, Water and Sewer Fund budgets to appropriate the transfers to the Capital Fund to fund the Change Order.

An amended Bond Ordinance has also been prepared to increase the estimated cost of the project due to the Change Order but the amended Ordinance does not increase the amount authorized to be borrowed for the project.

**RESOLUTION**

Page 1 of 2

Readopting Fiscal Year 2011-12  
General, Water and Sewer Fund Budgets

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.  
Total .....

YEA	NAY

***Introduced by***

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WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$38,023,157 was appropriated for the General Fund, \$4,858,983 was appropriated for the Water Fund and \$5,040,061 was appropriated for the Sewer Fund, and

WHEREAS on July 5, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$25,240 to pay the costs of the Symphony Syracuse concert to a total of \$38,048,397, and

WHEREAS on July 18, 2011 the City Council was presented with a change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot in the amount of \$96,235 of which \$45,150 was applicable to the General Fund, \$14,495 to the Water Fund and \$36,590 to the Sewer Fund, and

WHEREAS the change order was subject to City Council’s approval of an amended bond ordinance to fund the change order, and

WHEREAS the City Council did not adopt an amended bond ordinance as the City Council desired to have the change order funded through transfers from the operating funds, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Fiscal Year 2011-12 Budgets for the General Fund in the total amount of \$38,093,547, the Water Fund in the total amount of \$4,873,478 and the Sewer Fund in the total amount of \$5,076,651 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Fiscal Year 2011-12 General, Water and Sewer Fund Budgets.



Res Nos. 4-13

July 27, 2011

To: The Honorable Mayor and City Council  
From: James E. Mills, City Comptroller  
Subject: Tax Sale Certificate Assignments

On July 18<sup>th</sup> City Council discussed the request from ICA Renovations 3, LLC to be assigned the nine tax sale certificates listed below that are owned by the City. The attached resolutions approve the assignment of these tax sale certificates to ICA Renovations 3, LLC at the amount of the tax sale certificates plus the 2011-12 City taxes plus appropriate interest.

Parcel Number	Property Address	Property Owner	Tax Sale Certificate Amount	2011-12 City Tax Amount	Interest
12-04-119.000	626 Academy St	Deborah Barbara	\$ 1,514.91	\$ 793.62	\$ 46.17
09-14-107.000	148 Duffy St	Theodore Beutel	\$ 2,102.20	\$ 726.37	\$ 56.57
03-03-423.000	525 Mundy St	William Bonner	\$ 689.27	\$ 627.24	\$ 26.33
01-16-209.000	514 Frontenac St	Deanna Burgenstock	\$ 883.89	\$ 716.81	\$ 32.02
01-20-212.000	VL Superior St	Paul Carpenter II	\$ 153.41	\$ 93.11	\$ 4.93
01-20-213.000	1005 Superior St	Paul Carpenter II	\$ 716.79	\$ 654.67	\$ 27.43
04-26-209.000	911 Water St	Lawrence Danza	\$ 423.52	\$ 362.34	\$ 15.72
11-05-103.000	205 Winslow St	Scott Emerson	\$ 2,306.78	\$ 1,073.90	\$ 67.62
05-01-315.000	131 Michigan Ave	Armand Hall	\$ 1,955.09	\$ 675.26	\$ 52.61
		TOTALS	\$ 10,745.86	\$ 5,723.32	\$ 329.40
GRAND TOTAL					<b>\$16,798.58</b>

In addition a resolution has been prepared to authorize the acceptance of the June 2009 tax sale certificate currently held by ICA Renovations 3, LLC for 1 Boyd Place. The parcel was not redeemed from the tax sale process and therefore a tax deed may now be issued to the holder of the June 2009 tax sale certificate. ICA Renovations had decided to not accept a tax deed to the parcel but is willing to assign the certificate to the City at no cost so it may issue itself a tax deed. Shawn McWayne, Code Enforcement Supervisor has requested the City obtain this tax sale certificate due to the deteriorating condition of the house. The current owner of the house, Michelle Beebee, has not addressed the issues identified by Code Enforcement. As the property is privately held, court approval would be necessary to demolish the structure if it remained under the ownership of the current owner. If the City accepts the assignment it can immediately issue itself a tax deed to the property which will allow Code Enforcement to proceed with

the demolition of the structure without seeking court approval as it will be City owned. ICA Renovations had invested \$1,764.40 invested in the tax sale certificate. The City does hold the June 2011 tax sale certificate auctioned for this parcel due to ICA Renovations non-payment of the 2010-11 school tax and 2011 County tax.

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 12-04-119.000  
Known as 626 Academy Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.
Council Member BUTLER, Joseph M. Jr.
Council Member MACALUSO, Teresa R.
Council Member SMITH, Jeffrey M.
Mayor GRAHAM, Jeffrey E.
Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 626 Academy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-04-119.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,354.70 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 12-04-119.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,354.70.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 09-14-107.000  
Known as 148 Duffy Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 148 Duffy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 09-14-107.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,885.14 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 09-14-107.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,885.14.

### **Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 03-03-423.000  
Known as 525 Mundy Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 525 Mundy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-03-423.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,342.84 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 03-03-423.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,342.84.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 01-16-209.000  
Known as 514 Frontenac Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 514 Frontenac Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-16-209.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,632.72 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-16-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,632.72.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 01-20-212.000  
Known as VL Superior Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.
Council Member BUTLER, Joseph M. Jr.
Council Member MACALUSO, Teresa R.
Council Member SMITH, Jeffrey M.
Mayor GRAHAM, Jeffrey E.
Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as VL Superior Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-20-212.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$251.45 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-01-212.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$251.45.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 01-20-213.000  
Known as 1005 Superior Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 1005 Superior Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-20-213.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,398.89 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-01-213.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,398.89.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 04-26-209.000  
Known as 911 Water Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 911 Water Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-26-209.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$801.58 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 04-26-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$801.58.

### **Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 11-05-103.000  
Known as 205 Winslow Street  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 205 Winslow Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 11-05-103.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$3,448.30 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 11-05-103.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$3,448.30.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale  
Certificate on Parcel Number 05-01-315.000  
Known as 131 Michigan Avenue  
To ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

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WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 131 Michigan Avenue as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 05-01-315.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,682.96 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 05-01-315.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,682.96.

**Seconded by**

# RESOLUTION

Page 1 of 1

Authorizing Acceptance of Assignment of  
Tax Sale Certificate on Parcel Number 12-05-208.000  
Known as 1 Boyd Place  
From ICA Renovations 3, LLC

Council Member BURNS, Roxanne M.
Council Member BUTLER, Joseph M. Jr.
Council Member MACALUSO, Teresa R.
Council Member SMITH, Jeffrey M.
Mayor GRAHAM, Jeffrey E.
Total .....

YEA	NAY

### *Introduced by*

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WHEREAS ICA Renovations 3, LLC is the owner of a certain tax sale certificate on a lot of land known as 1 Boyd Place as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-05-208.000, and

WHEREAS the tax sale certificate was not redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS ICA Renovations 3, LLC does not wish to accept a tax deed to the parcel, and

WHEREAS ICA Renovations 3, LLC has agreed to assign its tax sale certificate to the City at zero cost to allow the City to take title to the property and address building code issues,

NOW THEREFORE BE IT RESOLVED that the City of Watertown accept the assignment of the tax sale certificate from ICA Renovations 3, LLC for 1 Boyd Place as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-05-208.000.

### **Seconded by**

Res No. 14

July 27, 2011

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Finding that the Approval of the Zoning Designation of the Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial Will Not Have a Significant Impact on the Environment

Within this agenda is an Ordinance which will designate the 2.485 acre unzoned portion of Parcel No. 13-23-102.1 as Commercial. The City Council must approve the attached SEQRA Resolution before voting on the zoning designation Ordinance. Part II and Part III, if necessary, of the Short Environmental Assessment Form need to be completed before voting on the resolution.

The Resolution states that the zoning designation will not have a significant impact on the environment.

# RESOLUTION

Page 1 of 2

Finding That the Approval of the Zoning Designation for The Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City Council of the City of Watertown has before it an Ordinance to designate the zoning classification of the 2.485 acre unzoned portion of Parcel No. 13-23-102.1, located in the 1500 block of Washington Street, as Commercial, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an “action,” and

WHEREAS the City Council has determined that the proposed Ordinance is an “Unlisted Action” as that term is defined in 6NYCRR Section 617.2 (ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environment Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

# RESOLUTION

Page 2 of 2

Finding That the Approval of the Zoning Designation for The Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and adoption of the zoning designation will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

**Seconded by**

PROJECT ID NUMBER

617.20  
APPENDIX C

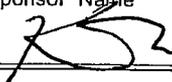
SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

### SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

#### PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Samaritan Medical Center	2. PROJECT NAME Zoning Designation of P.N. 13-23-102.1
3. PROJECT LOCATION: Municipality City of Watertown	County Jefferson
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 1500 Block of Washington Street P.N. 13-23-102.1	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: Designation of the annexed portion of Parcel Number 13-23-102.1 as a "Commercial" Zoning District.	
7. AMOUNT OF LAND AFFECTED: Initially 2.485 acres      Ultimately 2.485 acres.	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No      If no, describe briefly: N.A.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input checked="" type="checkbox"/> Other (describe) Vacant Land	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name Samaritan Medical Center	Date: 7/27/11
Signature 	

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?  Yes  No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?  Yes  No If NO, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  Yes  No

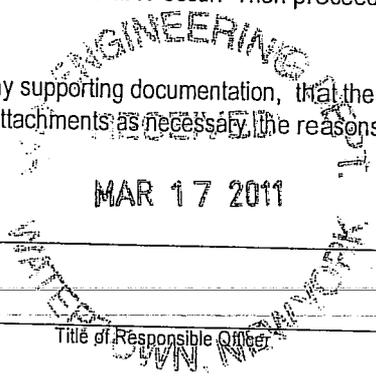
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  Yes  No If yes, explain briefly.

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:



Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

Ord No. 1

July 26, 2011

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Designating the Zoning Classification of the Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, As Commercial

Samaritan Medical Center had proposed a zone change for portions of the properties it was purchasing from the City and School District for their Senior Living Village. Samaritan has since decided that it will not be proceeding with the purchase of the School District property and has withdrawn that parcel from their request. City Council members withdrew their introductions to the original Ordinance on July 18, 2011.

A new Ordinance has been prepared that includes only the portion of the City owned property that was annexed. It currently has no zoning designation, because it was annexed. The proposal is to put it in a Commercial District with the rest of the parcel.

The Planning Board reviewed the original request at its May 3, 2011 meeting and adopted a motion recommending that the City Council approve the Zone Change Request. The report prepared for the Planning Board and an excerpt from its Minutes were included in the agenda for the June 6, 2011 meeting and are available on the City's website.

The County Planning Board also reviewed the original request on March 29, 2011 and adopted a motion that the zone change is a matter of local concern.

A public hearing on the original proposal was held on June 6, 2011. This proposed zoning designation was part of the original request so further Planning Board reviews and another public hearing will not be required.

The City Council must adopt the related SEQRA Resolution before voting on the Ordinance.

# ORDINANCE

Page 1 of 2

Designating the Zoning Classification of the Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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BE IT ORDAINED where Patrick J. Scordo of GYMO, P.C., has made application by petition filed with the City Clerk, on behalf of Samaritan Medical Center, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of a 13.618 acre portion of Parcel Number 13-23-101 from Residence A to Commercial, and a 2.485 acre unzoned portion of Parcel Number 13-23-102.1 to Commercial, and

WHEREAS the applicant has requested that the portion of Parcel Number 13-23-101 be withdrawn from the petition, and

WHEREAS the Jefferson County Planning Board reviewed the original zone change proposal at its meeting held on March 29, 2011 pursuant to General Municipal Law Section 239-m and adopted a motion that the proposed zoning map amendment is a matter of local concern, and

WHEREAS the Planning Board of the City of Watertown considered the original zone change application at its meeting held on May 3, 2011 and adopted a motion recommending that the City Council approve the zone change, and

WHEREAS a public hearing was held on the original proposal on June 6, 2011 after due public notice, and

WHEREAS the City Council has made a Declaration of Negative Findings of the impacts of the revised zoning designation proposal according to the requirements SEQRA,

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to designate the zoning classification of the unzoned portion of Parcel Number 13-23-102.1 as Commercial, and

NOW THEREFORE BE IT ORDAINED that the zoning classification of the unzoned 2.485 acre portion of Parcel No. 13-23-102.1, located in the 1500 block of Washington Street, shall be Commercial, and

**ORDINANCE**

Page 2 of 2

Designating the Zoning Classification of the Unzoned Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

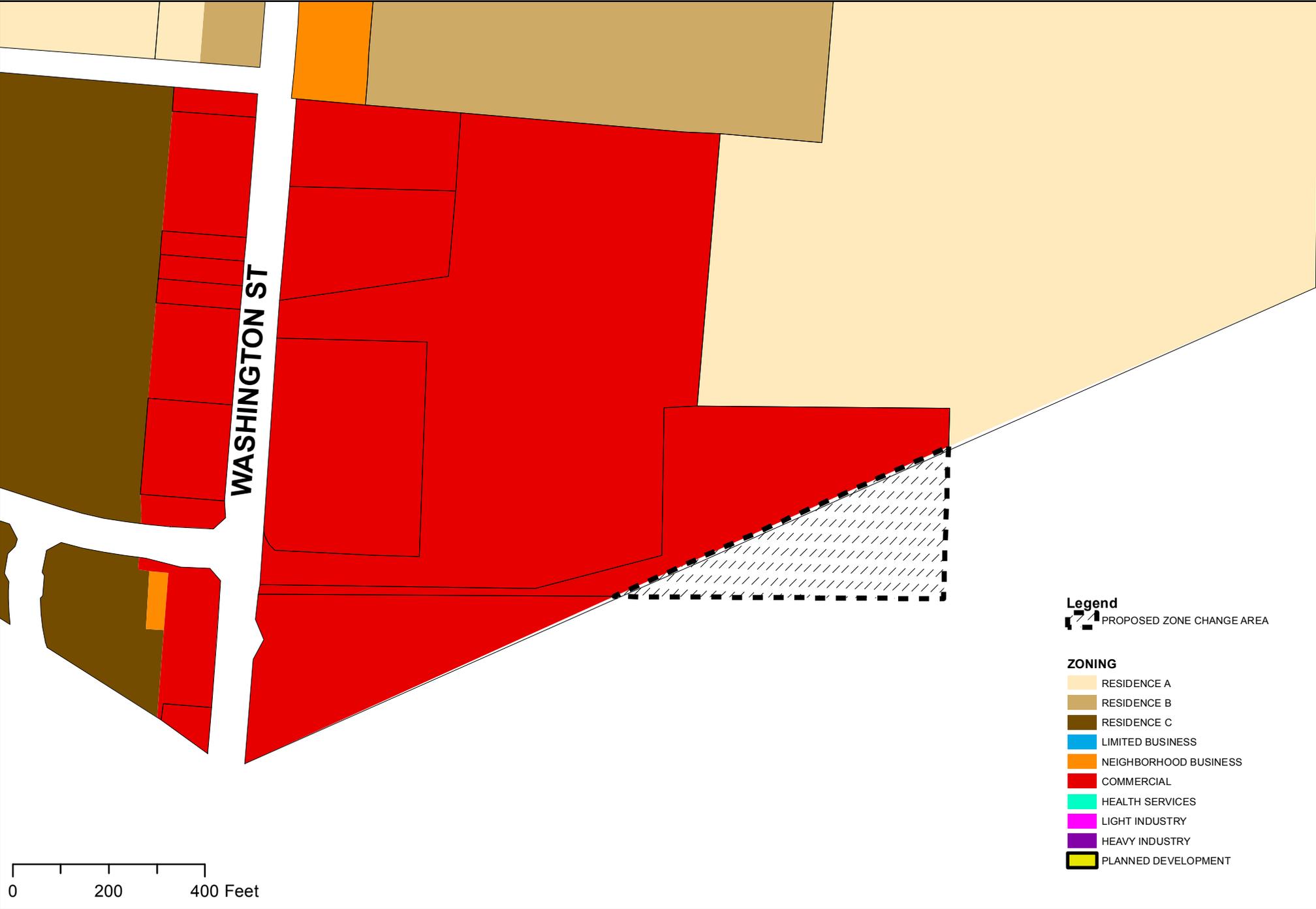
YEA	NAY

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown shall be amended to reflect the zoning designation, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown or printed as the City Manager directs.

*Seconded by*

PROPOSED ZONING DESIGNATION AS COMMERCIAL  
1500 BLOCK OF WASHINGTON ST.,  
A PORTION OF PARCEL 13-23-102.100



**Legend**  
 PROPOSED ZONE CHANGE AREA

- ZONING**
-  RESIDENCE A
  -  RESIDENCE B
  -  RESIDENCE C
  -  LIMITED BUSINESS
  -  NEIGHBORHOOD BUSINESS
  -  COMMERCIAL
  -  HEALTH SERVICES
  -  LIGHT INDUSTRY
  -  HEAVY INDUSTRY
  -  PLANNED DEVELOPMENT

Ord No. 2

July 27, 2011

To: The Honorable Mayor and City Council  
From: James E. Mills, City Comptroller  
Subject: Bond Ordinance Amendment – JB Wise Parking Lot Reconstruction

On July 18, 2011 the City Council was presented with change order #1 in the amount of \$96,235 to the contract with Bat-Con to reconstruct the J. B. Wise parking lot. The change order was subject to City Council's approval of an amended bond ordinance to fund the change order. City Council did not adopt the proposed amended bond ordinance as it desired to have the change order funded through transfers from the operating funds. Included in tonight's agenda was a resolution to re-adopt the General, Water and Sewer Fund Budgets to appropriate the funds necessary to fund the change order. A revised bond ordinance amendment has also been prepared to increase the estimated project cost for the change order without increasing the amount authorized to be borrowed for the project.

Lu Engineers – Design services	\$ 215,405	
Contingency for additional services	<u>11,000</u>	\$ 226,405
Bat-Con – Construction base bid	\$ 2,088,000	
Alternate #1	18,240	
Alternate #3	210,000	
Change order #1	<u>96,235</u>	
		2,412,475
Bonding fees and land acquisition contingency		<u>56,120</u>
Total Estimated Project Cost		<u>\$2,695,000</u>

However due to the grants that have been awarded to the City for this project and the reimbursements to be received from National Grid for the environmental clean-up costs the ultimate amount to be borrow is less based on the following summary.

Total estimated project cost	\$2,695,000
Less: 2005 Environmental Protection Fund grant	(\$ 309,125)
2007 Environmental Protection Fund grant	(\$ 505,000)
National Grid environmental cost reimbursements	<u>(\$ 210,000)</u>
Net Amount to be borrowed	<u>\$ 1,670,875</u>

ORDINANCE

Page 1 of 5

An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.  
Total .....

YEA	NAY

Introduced by

At a regular meeting of the Council of the City of Watertown, Jefferson County, New York, held at the Municipal Building, in Watertown, New York, in said City, on August 1, 2011, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Councilman \_\_\_\_\_, who moved its adoption, seconded by Councilman \_\_\_\_\_, to wit:

WHEREAS, by ordinance dated June 18, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,020,000 bonds of said City to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, at an estimated maximum cost of \$1,020,000; and

WHEREAS, by ordinance dated October 4, 2010, the Council amended the aforesaid June 18, 2007 ordinance to increase the authorization for improvements to the J.B. Wise Parking Lot from \$1,020,000 to \$2,150,000 and to increase the authorization for the related water and sewer improvements from \$400,000 to \$445,000, for a total estimated maximum cost and bond ordinances of \$2,595,000; and

# ORDINANCE

Page 2 of 5

An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$2,595,000 to \$2,695,000, an increase of \$100,000 over that previously authorized, and to provide for the use of \$100,000 current funds therefor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted June 18, 2007, as amended October 4, 2010, authorizing the issuance of \$2,595,000 bonds to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$445,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,595,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY PART OF THE \$2,695,000 ESTIMATED MAXIMUM COST OF IMPROVEMENTS TO THE J.B. WISE PARKING LOT, INCLUDING THE REPLACEMENT OF WATER MAINS AND SANITARY SEWERS AND THE CONSTRUCTION OF A STORM WATER DRAINAGE SYSTEM, IN AND FOR SAID CITY.

“ . . . .

“Section 1. To pay (a) the cost of improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) \$445,000 of the \$545,000 estimated maximum cost of the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a

# ORDINANCE

Page 3 of 5

An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City

specific object or purpose, there are hereby authorized to be issued \$2,595,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific objects or purposes is \$2,695,000 and that the plan for the financing thereof is by the issuance of the \$2,595,000 bonds of said City authorized to be issued pursuant to this bond ordinance, apportioned as indicated above, and by the appropriation of \$100,000 current funds of the City for the aforesaid specific object or purposes described in clause (b) of Section 1, above, provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such specific object or purpose, which monies are hereby appropriated therefor.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

Unanimous consent moved by Councilman \_\_\_\_\_,  
 seconded by Councilman \_\_\_\_\_, with all voting "AYE".

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

# ORDINANCE

Page 4 of 5

An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

\_\_\_\_\_ VOTING \_\_\_\_\_  
 \_\_\_\_\_ VOTING \_\_\_\_\_  
 \_\_\_\_\_ VOTING \_\_\_\_\_  
 \_\_\_\_\_ VOTING \_\_\_\_\_  
 \_\_\_\_\_ VOTING \_\_\_\_\_

The ordinance was thereupon declared duly adopted.  
 \* \* \*

### APPROVED BY THE MAYOR

\_\_\_\_\_, 2011.  
 Mayor

STATE OF NEW YORK     )  
   ) ss.:  
 COUNTY OF JEFFERSON    )

I, the undersigned Clerk of the City of Watertown, Jefferson County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Council of said City, including the ordinance contained therein, held on August 1, 2011, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Council had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other

# ORDINANCE

Page 5 of 5

An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City news media as follows:

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

YEA	NAY

Total .....

Newspaper and/or Other News Media      Date Given

Regular meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Noticed      Date of Posting

Regular meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City on \_\_\_\_\_, 2011.

\_\_\_\_\_  
 City Clerk

(CORPORATE  
 SEAL)

Tabled

July 26, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Lease Agreement Between the City of Watertown  
And Greater Watertown Red and Black, Inc.

The attached Resolution and Agreement were presented to the City Council for consideration at the July 18, 2011 meeting, at which time it was tabled. Attached for City Council consideration is a Resolution approving the Lease Agreement between the City of Watertown and Greater Watertown Red and Black, Inc.

The Lease sets forth the compensation the City will receive for the use of fields and facilities. The fees to be paid by Red and Black have been modified to reflect increased costs associated with providing lights for night games. A rental fee is included for the area in the facility that the Red & Black will have exclusive use of during the term of this contract. For year 1 of the Agreement, payment of all usage fees is due to the City by August 1, 2011, with a reconciliation to be completed on or before October 31<sup>st</sup>. Under the terms, the City will receive the following fees:

Day Game	\$ 100 per game
Night Game	\$ 150 per game
Practice	\$1,200 per season
Rental	\$ 300 per season

Under the terms of the Agreement, the City will also receive 10% of the gross concession sales. The Red & Black does not sell alcohol at their games, so language regarding alcohol has been removed from the contract. It also provides the City with the option, during year two of the Agreement to run the concession at Red & Black games. This provision was included in the Agreement to give the new Parks and Recreation management team an opportunity to look at this business opportunity.

July 18, 2011

Page 1 of 1

Approving Lease Agreement Between the City of Watertown and the Greater Watertown Red and Black, Inc.

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member MACALUSO, Teresa R.

Council Member SMITH, Jeffrey M.

Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a facility known as the Alex T. Duffy Fairgrounds within the City of Watertown, and the Fairgrounds are a community recreational facility, and

WHEREAS the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operations, management and maintenance of the Fairgrounds multi-purpose field and all football-related activities, and

WHEREAS the Greater Watertown Red and Black, Inc. owns and operates a football team as a member and franchise of the Empire Football League, and

WHEREAS Greater Watertown Red and Black, Inc. desires to have its team, Red and Black, play football games within the confines of the Fairgrounds,

NOW THEREFORE BE IT RESOVLED that the City Council of the City of Watertown approves the Lease Agreement between the City of Watertown and the Greater Watertown Red and Black, Inc., and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

**Seconded by Council Member Teresa R. Macaluso**

**LEASE AGREEMENT**

**~~THE CITY OF WATERTOWN, NEW YORK~~  
AND  
GREATER WATERTOWN RED AND BLACK, INC.**

This Lease is being made and is intended to be effective as of April 1, 2011, between the City of Watertown, New York, with its principal offices located at 245 Washington Street, Watertown, New York 13601 (“City”) and Greater Watertown Red and Black, Inc., with its principal offices located at 1358 Washington Street, Watertown, New York, (“Football”).

**INTRODUCTION**

WHEREAS, the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a facility known as the Alex T. Duffy Fairgrounds (the “Fairgrounds”) within the City of Watertown, and the Fairgrounds are a community recreational facility; and

WHEREAS, the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City; and

WHEREAS, in pursuit of that public purpose, the City desires to contract for the use, operation, management and maintenance of the Fairgrounds multi-purpose field and all football-related activities; and

WHEREAS, Football owns and operates a season football team as a member and franchise of the Empire Football League; and

WHEREAS Football desires to have its team, Red and Black (the “Team”), play football games within the confines of the Fairgrounds; and

WHEREAS, the City has undertaken a substantial capital improvement project for the Fairgrounds in furtherance of the public purpose of keeping football in the City for the recreation, entertainment and welfare of the people of the City, including the economic benefit such a team can bring.

NOW, THEREFORE, in consideration of mutual covenants and agreements as stated herein, the City and Football agree as follows:

## AGREEMENT

### Section I – Term of Lease

The initial term of this Lease shall be for a two-year period from April 1, 2011 through March 31, 2013.

### Section II – Premises Leased

The City agrees to lease to Football the premises generally known as the Alex T. Duffy Fairgrounds football field and all incidents thereto, including the bleachers and scoreboard, consisting of essentially that area bounded by the multi-purpose field fence separating the field from the remainder of the Fairgrounds, together with the immediately adjacent parking areas (the "Premises"). This lease also provides for rental of the storage/locker areas highlighted in yellow on the map attached as Exhibit A to this Agreement. Restrooms and locker rooms in the Grandstand are part of the Leased Premises when Football is practicing or playing a game on leased fields owned by the City. Restrooms and additional locker rooms may be used as needed depending upon availability. The Fairgrounds multi-purpose #5 field will be made available for practice purposes. In the event this field cannot be used, one of the other nearby fields may be used.

### Section III – Non-Assignability and Non-Exclusivity

a. The City and Football agree that it is the purpose of this Agreement to contract for the use, operation, management and maintenance of the Premises, and that this is an agreement for the privilege of Football to use the Premises only for the purpose of semi-pro football. This Lease Agreement may not be assigned by Football to any person or entity, and Football agrees that the City's consent to any assignment may be withheld for any reason, and in its sole discretion.

b. The City agrees not to enter into a lease for the Premises with any other Empire Semi-Pro Football team during the term of this lease, without the written consent of Football.

c. It is further understood that this Lease Agreement is non-exclusive, meaning that, at those times when the Premises are not being used for Football's purposes, the City retains the right to make the Premises available for other uses to the extent that the use will not interfere with those purposes. By express understanding, it will not be interference for the City to allow the playing field to be used by college, high school, youth leagues or other sporting teams. At such times, it shall be the City's responsibility to maintain the Premises in good repair.

### Section IV – Compensation (Rent)

a. As a compensation for the use of the Premises, and during the term of this Lease, Football shall pay to the City fees as follows:

Rental of Storage Space	\$300.00 per year
Day Game	\$100.00 per game
Night Game	\$150.00 per game
Practice	\$1,200 for the season

Day game means any game that ends before 6:00 p.m.

Night game means any game that begins at or extends beyond 6:00 p.m.

When scheduling the use of the City's fields, the City will give games priority over practices and events.

b. Payment for scheduled home games, storage space and scheduled practices shall be paid as follows: 50% is due on or before April 30<sup>th</sup>, remaining amounts are due on or before August 1<sup>st</sup> of each year. A reconciliation of actual field use will be completed on or before October 31st, and any refund or payment due shall be made within ten days.

Section V – Concessions and Advertising

a. The City and Football agree that for Red and Black events during the term of this Lease Agreement, concessions rights for the sale of food and non alcoholic drink as well as for football souvenir items sold on the Premises shall be exclusive to Football. The City shall not permit nor allow mobile units or other vendors or concessions upon the Premises during events or activities being conducted by Football without the written consent of Football. During the second year of this agreement the City has the option of providing the concession at Red & Black games. Should the City elect to provide concessions service, the Red & Black will be notified, in writing, thirty (30) in advance of their first scheduled home game.

b. All expenses incurred in providing concessions shall be at the sole expense of Football.

c. Football shall pay the City ten percent (10%) of the gross concession sales, including souvenir items sold on Premises. This provision shall apply to any concessions sales made under this Lease, whether by Football or a subcontractor to Football. The 10% shall be paid on an annual basis, no later than December 31st of the year. Concession sales will be reported by Football to the City Comptroller's office on a weekly basis, showing daily sales for the prior week. The City reserves the right to inspect concession operations during the season to determine if the amounts reported are consistent with an onsite audit of the operations. Football agrees to allow the City Comptroller's office in the concession area during games or other events to monitor and track the concession sales on dates convenient to the Comptroller's office. Additionally, the City reserves the right to review invoices, receipts and any other reports to verify gross concession receipts of Football.

d. Football will be allowed to sell Advertising to be placed upon the side line fences, ticket booths and the press box, on the Leased Premises and on the scoreboard. Mounting of advertising on City property must be approved in advance by the City. Football is not authorized to sell advertising and install signs in any other areas of the Leased Premises without the written consent of the City. It will be the responsibility of Football to install and remove the Advertising. By October 1<sup>st</sup> of each year the City shall bill and on or before October 31st of each year, the City of Watertown shall be paid the following for the rights to sell advertising as detailed above:

Signs

\$25.00 for each of the first 10 signs  
\$50.00 each for each additional sign

Section VI – Adequacy of Leased Premises

a. Football represents that the premises satisfy the requirements of the Empire Football League and that the City shall not be obligated to make any change to the Premises during the term of this Lease to satisfy any requirements of Football or the Empire Football League.

b. Football shall certify in writing to the City that it has accepted, in good order and repair, the Premises. This certification by Football shall include a statement that Football has examined and knows the condition of the Premises and has received the same in good repair and working order. Any exceptions by Football to the condition of the Premises at the time of their receipt shall be provided to the City in writing.

Section VII – Maintenance

a. The City agrees that it will keep the Premises, including an structural or capital repairs and improvements, in good repair during the term of this Lease, and at its own expense. The City further agrees that it shall bear the cost of electric facilities and electric service to the Premises.

b. Football agrees to provide custodial maintenance of the Premises during the term of the Lease. Football is responsible for cleaning the Leased Premises after every game or practice. If Football has not cleaned the Leased Premises by 10:00 a.m. the day following a game or practice, the City will clean the Leased Premises and Football will reimburse the City as described below:

1 <sup>st</sup> offense	\$50 Fee, plus actual cost
2 <sup>nd</sup> offense	\$100 Fee plus, actual cost
3 <sup>rd</sup> offense	\$250 Fee plus, actual cost
After 3 offenses (each offense)	\$500 Fee plus, actual cost

If the City is compelled to do custodial maintenance, as described above, Football will pay the bill for such work performed by the City before they will be allowed to use the Leased Premises for a game or practice.

c. Football shall keep the Premises secure and keep unauthorized persons out of the grandstand area.

d. The City agrees that it will maintain the football field. Football acknowledges, however, that the City's employees are not responsible for the laying and removal of football equipment prior to, during, or after any particular football game or practice.

e. If all or any part of the Premises are damaged or destroyed by Football, or by any of its agents or employees, or by any of Football's patrons, or during any event for which Football is responsible, (for example, damage, or destruction to the goal post), Football agrees that it will immediately cause repairs or, if the City repairs the damage, that it will reimburse the City for such damage or destruction. The City reserves the right to close any non-paved or unimproved areas from parking in order to avoid damage to our fields and green areas.

#### Section VIII – Parking Fees

Football acknowledges that the City reserves the right to assess a one dollar (\$1.00) parking charge, per car, at each home game for the Team. This amount may increase at the City's sole discretion. The parties agree that the City shall be responsible for collecting the fee, and that all proceeds from parking shall inure to the City.

#### Section IX – Insurance

a. Football agrees to name the City as an additional named insured for its liability coverages, and to provide proof of general liability insurance in the amount of \$500,000/\$1,000,000 combined single limit. Football shall provide the City with copies of its declaration pages for the policy or policies during the duration of the Lease Agreement. Football's policies of insurance may not limit the City's coverage as an additional insured to vicarious liability issues only.

b. The City will insure the Premises to cover only the City's interest in the event of damage due to fire or other hazard. Football agrees that, if the Premises are materially damaged by fire or other casualty, the City is not obligated to restore the Premises, and Football will have no claim under this Lease against the City for not restoring the Premises.

c. Football shall procure and maintain Workers' Compensation insurance and disability insurance in accordance with the laws of the State of New York. This insurance shall cover all persons who are employees of Football under the laws of the

State of New York. Proof of said insurance shall be provided to the City of Watertown upon signing of this Agreement.

#### Section XI – Hold Harmless

Football shall indemnify and hold the City harmless, including reimbursement for reasonable attorneys' fees, from any and all loss, costs or expense arising out of any liability or claim of liability for injury or damages to persons or to property sustained by any person or entity by reason of Football's operation, use, or occupation of the Premises, or by or resulting from any act or omission of Football or any of its officers, agents, employees, guests, patrons or invitees. The liability insurance in the type and amounts identified at Section XI, naming the City as an additional named insured, shall be sufficient for purposes of meeting Football's obligations under this paragraph.

#### Section XII – Venue and Applicable Law

a. The City and Football agree that the venue of any legal action arising from a claimed breach of this Lease is in the Supreme Court, State of New York, in and for the County of Jefferson.

b. This Agreement shall be construed in accordance with the laws of the State of New York.

#### Section XIII – Right of Access

The City reserves the right to enter the Premises by its duly authorized representatives at any reasonable time which does not interfere or conflict with the conduct of business of Football, for the purposes of inspecting the Premises, performing any work necessary required on the part of the City, exhibiting the Premises, or in the performance of its police powers.

#### Section XIV – Return of Premises

Football agrees to return the Premises to the City, upon the expiration of this Lease, in as good condition as when Football received possession of the Premises, reasonable wear and tear excepted, and excepting damage to the Premises caused by others when the Premises were not under the control of Football. The City and Football will conduct an initial walk through of the Premises at the beginning of the Lease term. Upon expiration of the Lease, the City and Football will conduct a final walk through of the Premises.

#### Section XVI – Desire to Renew Notice

Football shall provide the City with a ninety (90) day written notice of its desire to discuss the option to renew this Agreement.

Section XVII – Notice

All notices required to be given under this Lease shall be in writing and shall be deemed to have been duly given on the date mailed if sent by certified mail, return receipt requested, to:

To City:                      City Manager  
   City of Watertown  
   245 Washington Street  
   Watertown, New York 13601

To Football:                 George Ashcraft, General Manager  
   Greater Watertown Red and Black, Inc.  
   1358 Washington Street  
   Watertown, New York 13601

A party may change the address to which notices are to be sent by written notice actually received by the other party.

IN WITNESS WHEREOF, the City and Football will have caused this Lease to be executed by authorized agents to be effective as of April 1, 2011.

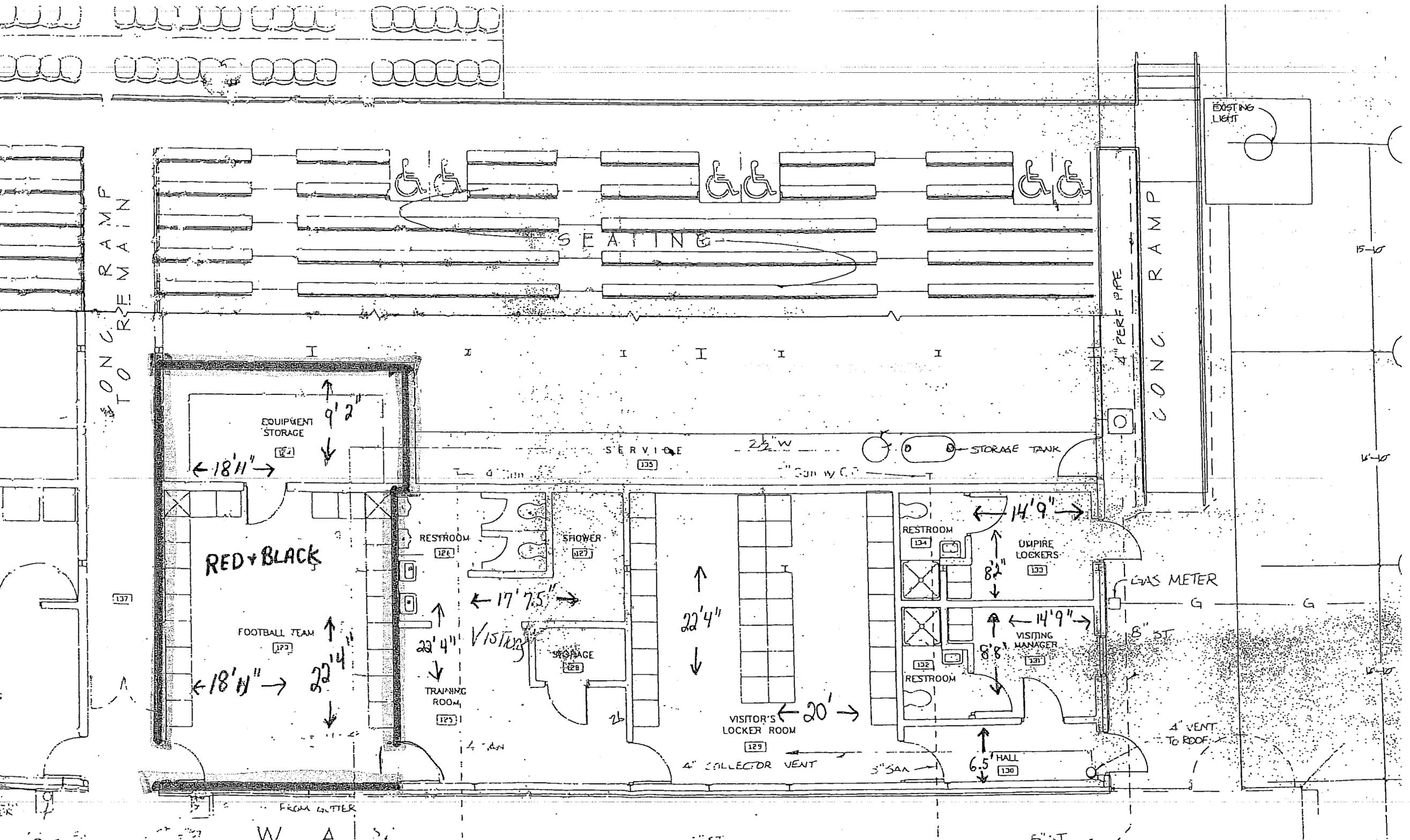
THE CITY OF WATERTOWN, NEW YORK

By: \_\_\_\_\_  
Mary M. Corriveau, City Manager

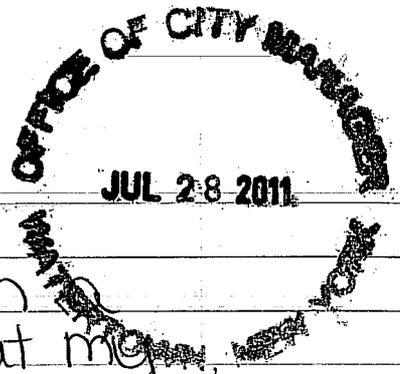
GREATER WATERTOWN RED AND BLACK,  
INC.

By: \_\_\_\_\_  
George Ashcraft, General Manager





To Whom It May Concern,



I, Robert Beczko, own a mobile hot dog cart unit that my fiancé and myself run. I am very interested in running the concession at the Watertown Ice Arena. At my stand I sell hot dogs, chili dogs, nachos and cheese, soft pretzels, hamburgers, fries, drinks, candy and chips. I am also fundraising for the Watertown Skate park. I take a percentage out for the park and would be willing to also take a percentage out for the city if given the opportunity. Thank you for your time and I look forward to hearing from you.

Sincerely,

Robert Beczko

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July 26, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Audio Arsenal

At the request of the City Council, City attorney Robert J. Slye has contacted the City's Health Officer Jon A. Emerton, M.D. to seek his opinion regarding whether excessive noise in the circumstances outlined in Dr. Frank Rhode's letter to the City Council can affect one's health. Attached is Dr. Emerton's response, along with a copy of Dr. Rhode's letter.

# NORTH COUNTRY FAMILY MEDICINE

MEDICAL ARTS BUILDING  
161 CLINTON ST., SUITE 111  
WATERTOWN, NY 13601

JON A. EMERTON, MD  
PAUL BARTER, FNP  
PHONE: 315-788-4880  
FAX: 888-522-1970  
EMAIL: NCFM@ONEBOX.COM

7/15/2011

Robert J. Slye  
Slye & Burrows  
104 Washington St.  
Watertown NY 13601

RECEIVED  
JUL 20 2011  
Per \_\_\_\_\_

Dear Mr. Slye,

I received your letter regarding the issue of excessive noise. I also reviewed the letter addressed to the Council from Frank Rhode, MD. As primary care physician, I deal with a wide range of health issues and review of this topic is reasonably within the scope of my practice.

The World Health Organization (WHO) has published an article "Guidelines for Community Noise" which summarizes the adverse health effects of noise. These include:

- noise induced hearing impairment
- interference with speech communication
- disturbance of rest and sleep
- psychophysiological, cardiovascular, mental health and performance effects
- effects on residential behavior and annoyance
- interference with intended activities

Each of these areas has research that supports the association to noise exposure. Additionally, several groups are considered more vulnerable in general including the elderly, young children, and people with particular diseases or medical problems.

My conclusions are that Dr. Rhodes's patients are in a group considered more vulnerable (elderly, I'm assuming since he notes that they've lived there for 62 years) and suffering from adverse effects that have been associated with noise exposure. It does seem reasonable to conclude that the business in close proximity has adversely affected their health.

I'm assuming that the Council is trying to define or enforce some type of a noise ordinance as a solution to this problem. To that end, you may find that the Noise Pollution Clearinghouse ([www.nonoise.org](http://www.nonoise.org)) may be able to provide some assistance.

If there is any other information that would help in this challenging case, then please don't hesitate to contact me for assistance.

---

Sincerely,

A handwritten signature in black ink, appearing to read 'JAE', with a long horizontal flourish extending to the right.

Jon A. Emerton, MD

INTERNAL MEDICINE OF NORTHERN NEW YORK, P.C.

Frank Rhode, M.D.  
Scott H. Mitchell, M. D.  
Jason F. White, M. D.

Linda Moser, A.N.P.

Melissa Reynolds, F.N.P.

53-59 PUBLIC SQUARE, SUITE 201  
WATERTOWN, NEW YORK 13601-2637  
Telephone (315) 782-4950  
Fax (315) 782-3699



June 22, 2011

City Council of Watertown  
City Hall - Administrative  
245 Washington Street  
Watertown, NY 13601

Re: **Audio Arsenal**

Dear Council Members:

I care for a couple who live on Casey Street, 40 feet from Audio Arsenal, a place of business which was established about six months ago. The couple has lived on Casey Street for the last 62 years and for the last 6 months their peaceful neighborhood has been shattered by excessive noise from Audio Arsenal. This has caused significant stress. It threatens their health to be subjected to the noise from that place of business, which is nearly constant through the day and often extends into the evening hours. The stress is so great to this couple that they have required medication to control their stress levels, but that intervention alone is not sufficient to deal with this problem.

I understand that this couple has approached the City Council members regarding institution of a noise ordinance. This has been refused. The reasoning behind this is not clear to me.

If my own parents or family members were exposed to this level of noise exposure, or if this affected me personally, I would be very aggressive in pursuing a noise ordinance. There is really no reason for a place of business to disrupt the peace of the neighborhood. This is outright inconsiderate and really should not be tolerated. I think the City should stand behind this very nice couple before their health is further jeopardized.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank Rhode" with a stylized flourish at the end.

Frank Rhode, M.D.

FR/pwo

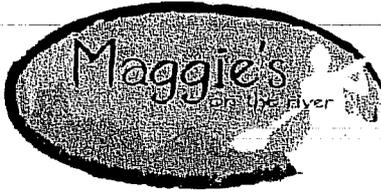
July 27, 2011

To: The Honorable Mayor and City Council  
From: Kenneth A. Mix, Planning and Community Development Coordinator  
Subject: Use of Whitewater Park Deck by Maggie's On The River

Attached is a request from Reg Schweitzer, Jr. of Maggie's On The River for permission to use the deck at Whitewater Park for the next nine (9) Thursdays from 11:00 a.m. until 10:00 p.m.

The City Council approved a similar request last year after determining that its temporary and occasional nature fit the criteria that the New York State Department of State indicated was acceptable for exclusive use of any portion of the deck. An excerpt from the Minutes of the City Council's June 7, 2010 meeting is attached.

The Department of State has also indicated that a Concession Certificate may be acceptable for longer term use of the deck. They are currently reviewing a draft document that staff sent them.



Maggie's on the River  
Watertown, NY 13601  
315-405-4239

7/25/2011

City of Watertown  
215 Washington St.  
Watertown, NY 13601  
Attn: Mary Corriveau



Dear Mary,

Maggie's On The River has been anxiously awaiting an approval for a more permanent resolution to the use of the deck. While we are confident that his process is still moving forward with the Department of State, we are requesting the use of the deck in a similar fashion to our agreement last year. For the next (9) Thursdays, or until a more permanent agreement can be approved by the Department of State, we would like permission to use the deck for the purposes of lunchtime seating and a business afterhours event. We are requesting use from the hours of 11:00 am until 10:00 pm. All required insurance policies are still in place with the City of Watertown being additionally insured. If there are any other questions or information needed, please feel free to contact our General Manager, Bernie. We look forward to having customers be able to enjoy the deck for the remainder of this summer and to working through the long term agreement for more regular use.

Sincerely,

A handwritten signature in black ink, appearing to read "Reg Schweitzer, Jr.".

Reg Schweitzer, Jr.

Excerpt from  
**CITY COUNCIL MEETING**  
**CITY OF WATERTOWN**

**June 7, 2010**  
**7:00 P.M.**

Meeting began at 7:40 p.m. due to the previous budget session and adjourned meeting.

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:** COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM

**ABSENT:** COUNCIL MEMBER TERESA R. MACALUSO

**ALSO PRESENT:** MARY M. CORRIVEAU, CITY MANAGER  
ATTORNEY ROBERT J. SLYE

City staff present: Bob Cleaver, Jim Mills, Gary Pilon, Kurt Hauk, Michael Lumbis, Gene Hayes

**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Request from Maggie's on the River**

Mayor Graham questioned how this request was any different than a reception in the park which requires a permit.

Mrs. Corriveau explained that it is different because it is a new place and the City would have to sign off on the alcohol permit which goes into the State.

Attorney Slye explained that the difference is that the State has indicated that we can't have a continual use of it for alcohol. However, occasionally is not a problem.

Council Member Smith remarked that, if that is the case, they should just go through the required permit process.

Attorney Slye advised that Council needs to determine that it is not such an intense use that would constitute violation of the grant.

Council Member Smith commented that this doesn't inhibit anyone else from using the deck either.

Attorney Slye explained that since we own the pavilion and the park, we can grant exclusive use of it if we want to. However, the deck has state funding involved and the City is not the sole guardian of it.

Council Member Butler commented that if the Council grants an alcohol permit here, would that change things from park to park.

**MOTION WAS MADE BY MAYOR GRAHAM RESOLVING THAT FROM THURSDAY, JUNE 24<sup>TH</sup> THROUGH AUGUST 2010, FROM THE HOURS OF 4 – 10 PM, THAT MAGGIE’S ON THE RIVER BE GRANTED A PERMIT TO CONDUCT THE SALE OF ALCOHOL ON THE DECK.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND DEFEATED WITH COUNCIL MEMBER BURNS AND MAYOR GRAHAM VOTING YEA AND COUNCIL MEMBER BUTLER AND COUNCIL MEMBER SMITH VOTING NAY.**

Council Member Smith remarked that the Council should not be granting permits. Their request is not excessive use and they could go through the permit process.

Council Member Burns remarked that Council does have to justify the vote to other taxpayers, not to the State. Other business owners have issues with this. She asked if the City was going to let other businesses serve alcohol on the sidewalks.

Mayor Graham responded that Council is providing a permit to use the deck for a specified period of time and for a certain number of weeks only.

Council Member Smith agreed with Council Member Burns and commented that this needs to be very narrow and not exceed the State use.

**MOTION WAS MADE BY MAYOR GRAHAM THAT THE APPLICANT MAY UTILIZE THE DECK FROM 4 – 10 PM, ON THURSDAYS, BEGINNING ON JUNE 24<sup>TH</sup> THROUGH AUGUST 2010 AND COUNCIL HAS DETERMINED THAT THIS IS AN APPROPRIATE AND FINITE USE OF THE PROPERTY AND THAT THE APPLICANT MAY APPLY FOR A PERMIT.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER BURNS VOTING NAY.**

July 27, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Private Water Laterals, Merline Avenue

At the July 18, 2011 City Council meeting, Mr. Shawn Schroy, of 17481 US Rte. 11, addressed the City Council stating that he and another individual purchased properties on Merline Avenue and intend to combine them into two (2) lots. However, since purchasing these lots Mr. Schroy and his partner find that there are no City water or sewer lines. He asked if the City Council would be willing to put a main water and sewer line in to meet Code standards.

At the direction of the City Council, I have reviewed the files regarding this subject and have attached the reports prepared for the City Council on this matter in 2004 and in 1994. Nothing has changed since this issue was discussed in 2004, once again the City Council is being asked to consider bringing water and sewer service to the 500 block of this street. The options available to the City Council are detailed in my September 6, 2004 memorandum.

September 6, 2004

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Upgrading of Private Water Lines

Mr. Joseph Delaney and Mr. Michael Jones, property owners in the 500 Block of Merline Avenue, are asking the City to consider paying 100% of the cost to install a water main to service their properties. Based on existing City Code, the installation cost of the 6" water main would be shared by the property owners and the city, with the city paying 1/3 of the cost and the property owners paying the remainder within 90 days.

At the present time, the five (5) houses on this block, three (3) of which are owned by Mr. Delaney, are provided with City water through two (2) 'private' water service lines from Morrison Street, one of which was installed in 1916. While more than adequate flows are available to service the properties at the point of connection to the City's main on Morrison Street, the property owners state that the service provided through their 'private' lines no longer meets their needs. They are experiencing problems with low flows and the Jones' property at the end of the street has an additional problem with its small 1/2' service lateral, off the shared line, freezing in the winter because of the shallow placement of the line.

This is not a new issue for the 500 block of Merline Ave. In October 1994, two property owners on Merline Avenue, Mr. Joseph Delaney and Ms. Karen Youngs, came to the City Council with the same request. A copy of the minutes from the City Council meeting where the issue was discussed is attached for City Council review, the City Manager's response, along with a copy of Water Superintendent Gary E. Pilon's response memorandum to former City Manager T. Urling Walker. City Council took no action on this request, other than to request Staff contact the property owners.

In general, the installation and maintenance cost for 'private' water service lines is borne by the property owners served by the common line. Historically, the cost of installing a city water main to residents served through private laterals has been borne by the parties benefiting from the improvements, see attached City Code §301-20.

Over the years, the City has worked to upgrade water services throughout the City and this has benefited areas previously serviced through private water lines. Through various programs, common water service lines have been replaced with water mains on several streets. Mr. Pilon's July 20, 2004 memorandum details some examples of areas where the city has replaced water lines and other infrastructure and how they were financed and further identifies areas where private water lines and non-

dedicated city streets still exist.

The streets listed in Mr. Pilon's memorandum that were financed with CDBG funds were totally rebuilt. Water and sewer services were installed and the roads were built to meet City standards and the streets were subsequently dedicated to the City. Merline Ave. is one of a number of streets within the City that need this same type of reconstruction. In addition to the water problems, some of the properties on Merline Ave. are serviced by City sewer and some have septic tanks. Because Merline Ave. was never upgraded to meet city standards, it remains a non-dedicated City street.

There have been a few instances where the City Council declared a public health emergency and/or directed that water lines be installed and that the costs be a City expense. In the past, the City has also made agreements with property owners where the City has made improvements and allowed those benefiting to repay the cost over a specific period of time.

This issue is not an easy one. It would be nice to be able to tell all property owners on 'private' service lines that the City will replace the lines and install a water main on their streets, however financial constraints prohibit this approach. As Mr. Pilon's memorandum documents, the City has and continues to work on replacing 'private' water service lines throughout the City. Knowing that the City Council wants to respond to this request, I have provided you with a number of options to consider. City Staff is prepared to discuss these options with the City Council:

1. Advise the property owners on 500 block of Merline Ave. of the costs associated with the replacement of their shared lateral with a larger line, possibly 2", buried to an appropriate depth. This will require notification of all impacted property owners regarding cost sharing of the expense. Staff believes that the installation of a 2" lateral will go a long way toward solving the chronic flow problems.
2. Comply with the existing City code. Advise Mr. Delaney and Mr. Jones that their request to have the City to install a standard water main has been approved, however, that the City will bill the property owners according to code. This will impact the property located at 583 Merline Ave. which is serviced through a separate 'private' lateral.
3. Include the 500 block of Merline Ave and other properties serviced through private water lines in the upcoming Capital Budget. This will provide staff with an opportunity to identify and prioritize the properties in the City being serviced through private water lines and to develop a proposal to include these streets in the City's Capital Budget. Staff can then look at the option of doing a rebuild of the entire street, water and sewer infrastructure, or just doing a water main installation.
4. Apply for a Community Development Block Grant to rebuild the entire street, water and sewer infrastructure. This could be part of a comprehensive application, for housing rehabilitation and infrastructure development. Funding is

limited to \$600,000, with only a small portion of the grant being used for infrastructure development. As an example, of the \$750,000 grant received for the Emerson Place project, \$135,000 went to improvements of public infrastructure. If the City Council chooses this option, a target area that reaches beyond the five (5) homes on the 500 block of Merline Ave. would need to be defined. Additionally, in order to be prepared for this type of application, the City would need to hire someone to do property and income surveys in this neighborhood similar to those that were just completed by the group of summer interns that worked for the First Presbyterian Church.

5. Amend the Code to change the owner's payment percentage and/or the time frame to repay the City. The City Council can change the cost sharing methodology for the installation of water mains and/or extend the period of time provided for payment. Prior to making any amendment to the Code, proposals should be carefully reviewed to determine the impact changes will have on other properties in the City, i.e. new developments; Section 801 properties; the request received from BOB Rafting for the installation of a water line to their property on Edmund Street.
6. Declare a public health emergency in the 500 block of Merline Ave and order City crews to install a larger service lateral or a water main. Council could direct the City to cover full expenses or share the cost with the owners at a specified percentage.

10-17-77

Mayor Graham explained that this service was discontinued a few years ago because it had gotten out of hand.

City Manager Walker stated that some preliminaries have been done relative to this and he will have a report to the Council at the next regular meeting.

John Davis

John Davis, 9th Ward Supervisor, addressed the chair explaining that the residents of Merline Avenue have a problem with the water lines freezing in the winter. He explained that this is a problem each year and one that the City should take a look at.

Mayor Graham asked if the Water Department had been made aware of it.

Mr. Davis remarked that each year the City has been notified and they do attempt to thaw out the pipes.

Mayor Graham asked that Mr. Pilon prepare a report relative to this problem.

Mr. Davis also remarked that many people have contacted him relative to an annual trash pickup. He also remarked that because there have been rumors circulating about a pickup, many people have been placing things out at the curb in anticipation of it. Mr. Davis explained that something could be easily worked out with the Town of Pamela relative to white goods as they do accept them and they have a means to sell them.

Mr. Davis thanked the DPW crews for fixing Morrison Street and Waite Avenue and also thanked the City for their part in the Kelsey Creek pollution cleanup.

Lena Ward

Lena Ward, 4th Ward Supervisor, addressed the chair concerning the paving at Kostyk Field. She stated her objections and remarked that Cadwell and Moffett Streets needed work more than Kostyk Field. She also questioned the amount of money the project cost.

November 1, 1994

To: The Honorable Mayor and City Council

From: T. Urling Walker, City Manager  
Mary M. Corriveau, Assistant City Manager

Subject: Merline Avenue - Private Water Lines

At the City Council meeting of October 17, 1994, City Supervisor John Davis and a number of homeowners from Merline Avenue addressed the City Council concerning problems associated with the water lines servicing their homes. The Superintendent of Water, Gary Pilon, has prepared the attached memorandum to clarify the current status of water service to the houses in the 500 block of Merline Avenue. Mr. Pilon's research has determined that there are two private lines serving five homes on the street.

Mr. Pilon's memorandum addresses the responsibilities of the parties as it relates to work performed by the Water Department. There have been some instances where grant funding was utilized to achieve service repairs and other instances where agreements have been made to allow the property owner to repay the cost over a specific period of time. However, in general, the City's policy has been to see that the cost of installation of water mains and services on private streets has been borne by the parties who are benefiting from the improvements.

Mr. Pilon has outlined the Water Department's policies for assessing charges that arise from service calls received by the department. These policies are in accordance with various sections of Chapter 237 of the City's Municipal Code.

City staff is prepared to assist Council in any way possible regarding this issue. Until directed otherwise, assessment of costs associated with Water Department services will continue as outlined in Mr. Pilon's memorandum.

## INTER-OFFICE MEMORANDUM

DATE: October 21, 1994

TO: T. Urling Walker, City Manager  
FROM: Gary E. Pilon, Supt. of Water  
SUBJECT: Merline Avenue - Report on Private Water Lines

During the City Council meeting held on October 17, 1994, John Davis, 9th Ward Supervisor, addressed the Council on behalf of residents of the 500 block of Merline Avenue regarding problems associated with the water lines serving the homes in that block of the street.

He was accompanied by two of the residents, Mr. Joseph Delaney and Ms. Karen Youngs. Mr. Delaney owns two of the five homes on the street and Ms. Youngs owns one of the remaining three.

The purpose of their being at the Council meeting was to request some action on the part of the Council to assist them with the replacement of their troublesome water services. The following is a report on the status of water service to the houses in the 500 block of Merline Avenue and other information concerning this situation.

Merline Avenue is NOT a dedicated City Street. It is paved and is plowed, to the best of my knowledge, under the terms of a 1956 City Council Resolution that requires the plowing of private and unaccepted streets to insure public safety.

There are five houses on the street that are served by two private water lines. At least one of the lines was originally installed in 1916. The lines have been extended and repaired many times in the past and consist of 1" and 3/4" galvanized pipe sections and 1/2" and 3/4" copper tubing in other sections. At times, there were as many as eight houses in the block sharing these two lines in one configuration or another. At the present time, as far as can be determined by our records, houses #594, 592, and 561 share one of the services and houses #583 and 572 share the second. As an aside, our records indicate that houses # 561, 572, and 583 are not connected to a public sewer system.

This past winter, the line to Ms. Youngs' home froze. It is a 1/2" copper line connected to a private water line that also serves the two houses owned by Mr. Delaney. Mr. Delaney's water service was not interrupted as far as I know. This would indicate that the problem was in the 1/2" line serving house #561. Records indicate that this line also froze during the extremely cold winters of 1934, 1940, and 1961. The only other house on Merline Avenue that

shows up in the old records is #583, which is connected to the other service on the street. It apparently did not freeze last year.

The Water Department uses two different methods for thawing frozen services. Whenever possible, we use the Hovey thawing machine that utilizes a DC electrical current to thaw the line and is very quick and efficient. Our machine is more sophisticated than an electric arc welder, which can also be used for thawing purposes, but does not have the built in safety features that our machine has. The safety features are designed to insure against overheating of electrical fixtures that may be grounded to the water lines and to keep "stray current" from creating problems. Our machine senses a potential poor grounding situation and shuts down within seconds to prevent overheating of electrical equipment. The machine will not operate if a proper "safe" circuit can not be made. We were not able to obtain a proper connection to the water service at 561 Merline Avenue. We were not able to use our alternate method for thawing frozen lines either, because the 1/2" line is too small to allow the tubing, through which we introduce hot water into a frozen line, to be inserted. Because we were not able to thaw the line using either method, Ms. Youngs called in a private contractor who uses an arc welder. Under current Municipal Code requirements, the cost of thawing the curb-stop-to-building portion of a water service is the responsibility of the owner, so Ms. Youngs would have had to pay for the labor costs, regardless of who did the work. I have attached a copy of a "hand out" that was developed last winter after we experienced some confusion over distribution of responsibility. This hand out explains the responsibilities of both the consumer and the City as dictated by the requirements outlined in the Municipal Code.

I am very sympathetic to the fears and concerns expressed by Ms. Youngs. It is apparent that the biggest problem lies with the 1/2" service that was privately installed and is obviously not buried deep enough to keep from freezing during extremely cold winters. (It should be noted that the past winter, like the other winters previously listed, resulted in an inordinant number of frozen water services. Most of the services that experienced a freeze up, as is the case with the line serving Ms. Youngs home, are sub-standard in one or more respect. This particular line is smaller than the recommended standard, and is apparently buried at too shallow a depth to prevent freezing during extreme conditions.) The frustration associated with being without water for several days, coupled with the fact that three houses share a water service that is too small to provide adequate flow or maintain residual pressure when more than one home is drawing water, prompted Ms. Youngs to contact our service department for assistance. She was told that one solution would be to install a new, separate, water service from the City water main on Morrison St. to her home. This would cost several thousand dollars, since her home is the last one on the street and is located about 400' from the water main. Installation of a new 1" service at the proper depth would solve

her immediate problems. In order to solve her freezing problem and also cure several additional water problems on the street, a larger water main would have to be installed, and separate water service branches run to the homes. Since this is a private street, the entire expense would have to be borne by the residents.

Historically, the cost of installation of water and sewer mains and services on private streets has been borne by the parties who are benefitting from the improvements. There have been instances when grant funding has covered all or a portion of the costs and there have been a few instances when the City Council directed that the costs be a City expense. Agreements have also been made in the past, whereby, the City has made improvements and allowed those benefitting to repay the cost over a specific period of time. In general, however, the cost of installation and maintenance of water service lines and sewer laterals are borne by the party or parties being served by those lines. Whenever more than one property is served by a common service line, equitable distribution of maintenance costs becomes a problem.

The Water Department stands ready to assist in any way possible. Unless directed otherwise, however, the costs associated with any improvements will be billed to the party requesting the action and any other party benefitting from the action and joining in the request.

This type of situation is not unusual in the city. There are several unaccepted and undedicated streets. In the majority of cases, there are several houses connected to common service lines that in many cases are undersized and inadequate. Whenever repairs to a common "header" are necessary and the work is done by city crews, the cost is split equally according to the number of houses connected to the particular line. If the problem is in a portion of the line serving one house, then only the customer whose house is affected is billed. We recently installed a common 2" copper line on a private street. The line served 5 houses and the cost of the common 2" line was split 5 ways. The cost of the individual 3/4" service branches was billed to the individual owners respectively, because each was configured a little differently.

Please feel free to contact me if there are any other questions in this matter.

cc: Mary Corriveau, Asst. to the City Manager ✓  
Cody Salisbury, Supervisor of Water Dist. Systems Maint.

# CITY OF WATERTOWN, WATER DEPARTMENT

(315) 785-7757

Dear Consumer and/or Property Owner:

Outlined below is some information concerning this service call to your property and your responsibilities relative to any charges that may arise from this call. The policies stated are in accordance with various sections of Chapter 237 of the Municipal Code.

Your water service line is divided into two sections:

Main to Curb Stop - The section from the water main in the street, to the curb stop (shut-off), usually located between the walk and the curb, on edge of pavement.

Curb Stop to Building - The section from the curb stop to the water meter.

## FROZEN SERVICE - MAIN TO CURB STOP

In the event that this section of your service freezes, the City will thaw it the first time at no expense for the actual thawing services. However, if this section freezes up again, you will be billed for the labor, equipment, and materials required to thaw the line. To prevent subsequent freeze ups, our service personnel will remove the meter register dial to allow you to run water continuously through the service. You will not be charged for the EXCESS water. IT IS IMPERATIVE THAT YOU KEEP THE WATER RUNNING UNTIL NOTIFIED OTHERWISE SO THAT YOUR LINE WILL NOT FREEZE UP AGAIN! REMEMBER, if it freezes after the initial thawing, YOU WILL BE BILLED for subsequent thawing efforts.

## FROZEN SERVICE - CURB STOP TO BUILDING

When this section freezes, costs associated with thawing the service are the responsibility of the owner. YOU WILL BE BILLED for labor, equipment, and materials utilized in the process of thawing your service line.

## FROZEN WATER METER

The consumer is always responsible for protection of the water meter. Therefore, if the meter is allowed to freeze, the City Water Department will replace the meter, but you will be billed for the cost of replacement at current costs to the department, or for the cost of repairs, if the meter has not been damaged too severely. Charges will include labor, equipment, and material costs.

## WATER METER REGISTER DIAL REMOVAL

There are circumstances that require a continuous flow of water to be maintained through a customer's water service. As previously mentioned, in the case of frozen service lines, the service personnel will remove a dial to allow the water to flow continuously to prevent subsequent freeze ups. Occasionally customers experience rusty or discolored water that can only be cleared up by flushing the line. The service men will remove a dial to allow that to be done without running up a large water bill. In the case of some service line problems that occur during off hours, the service men may connect a hose to a neighbor's house as a temporary feed line and remove the dial from your meter to avoid running up your bill. ONLY WATER DEPARTMENT EMPLOYEES ARE AUTHORIZED TO REMOVE A METER OR METER DIAL. It is important to remember that YOU WILL STILL RECEIVE A WATER AND SEWER BILL even if the register dial has been removed. Your consumption will be ESTIMATED based on the normal usage patterns of the account. You WILL NOT be billed for EXCESS water used.

CITY OF WATERTOWN, WATER DEPARTMENT  
PERMIT TO THAW FROZEN WATER SERVICE LINE

The undersigned hereby requests that the City of Watertown, Water Department take the required actions to thaw the water service to

No. \_\_\_\_\_ Street,  
(Premises)

and hereby agrees to pay for the cost upon the terms prescribed and in all things to be in accordance with, and subject to, the Ordinances of the City of Watertown and the Rules and Regulations of the Water Department thereof.

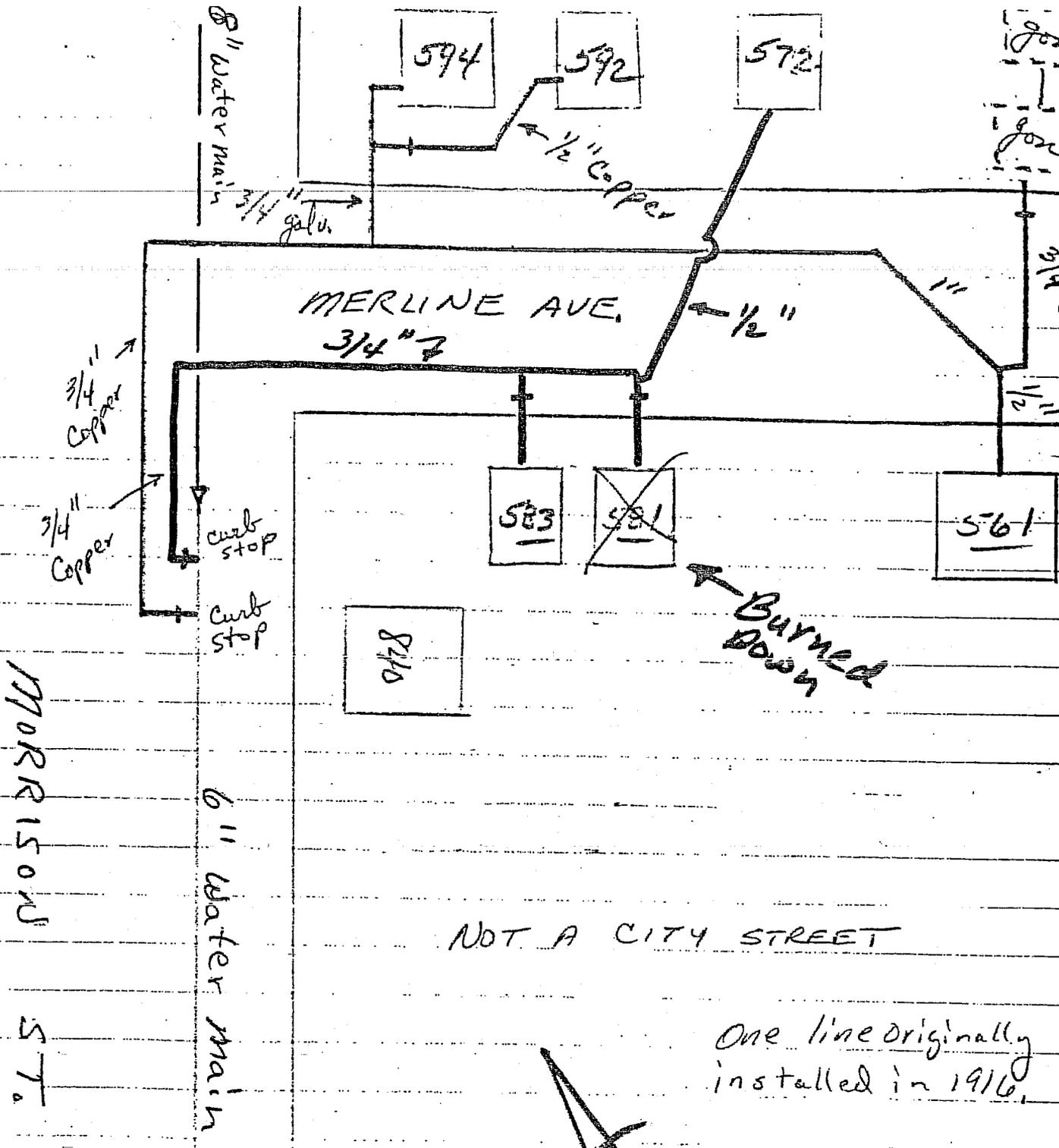
Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(owner or authorized agent)

If not owner, state relationship. \_\_\_\_\_

Comments:



- # 594. — Delaney, Joseph J. & E.M.
- # 592. — Delaney, Joseph J. & E.M.

- # 572. — Delaney, Joseph J. & E.M.  
FRED W. RENDELL
- # 561. — Karen M. Youngs Jones, Michael
- # 848. — WALTER T. L. HANNEST

One line originally installed in 1916.

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
August 2, 2004**

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**Excerpt**

**Merline Avenue**

Councilman Clough asked for an update.

Mrs. Corriveau explained that Mr. Pilon has put together information on Merline Avenue and other streets in the same situation. The report will be available for Council at the next regular meeting. She explained that Mr. Pilon had spoken with one Merline Avenue resident and she had also spoken with another. She explained that there are a number of streets in the same situation.

Councilman Clough responded that when there was a problem with Lillian Street, Council acted on Lillian Street only. He questioned the need to look at the other streets where residents aren't complaining. He stated that he didn't think that was right.

Mrs. Corriveau remarked that it is not just Merline Avenue that is being impacted at this time. Other streets are also being impacted right now.

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**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
September 20, 2004**

**Excerpt**

**Water Lines**

Mayor Graham commented that it is incumbent upon the City to phase in the residents living on the non-dedicated City streets.

Councilman Clough asked how many undedicated streets there were.

Mr. Pilon responded that he doesn't know how many undedicated streets there are. However, there are also dedicated streets with this type of problem.

Councilman Clough agreed with Mayor Graham that something should be done. He remarked that on any other street, the homeowner is responsible for the lateral, not the main. He stated that if he were a homeowner on one of those streets, he would be very upset if he had to pay for the main. He stated that we need to look at this and come up with a plan, as the City owes it to the taxpayers that live on those streets.

Mayor Graham commented on the third option listed in the City Manager's report whereby the costs are put in the upcoming capital budget.

Mrs. Corriveau explained that this is one of the options. She stated that Council must look at the big picture with the realization that it can't all be done in the same year. The water line expense would be charged to the water fund. And therefore, the project would have to be phased in over time.

Mayor Graham suggested first addressing the ones where there is a problem. He referred to the request from B.O.B. Rafting explaining that this is a different situation and he doesn't expect that the City could be as accommodating with that request.

Mrs. Corriveau responded that she is not sure that the City has the ability to accommodate the request now.

Mr. Pilon explained that former Supervisor John Davis came to the Council years ago asking Council accept and pave West Street. The survey was done and accepted. However, the legislation was silent on the utilities. The houses are on septic tanks and the water line is a 2" line off an 8" main on Main Street.

Mrs. Corriveau explained that the 2" line is the lateral for that street because it is what connects them to the main.

Mayor Graham remarked that the City should meter the water where it leaves the main, not at the entrance to the house.

Attorney Slye explained that the City delivers the water to a point in the water main where there is a hookup.

Mrs. Corriveau referred to Merline Avenue explaining that it was not a planned development. They merely extended a private water line and didn't have the initial expense of putting in a main.

Councilman Clough remarked that there are more regulations required now.

Attorney Slye remarked that in his view these are private lines and until they become public lines, he thinks the other persons on West Street should be billed. And if something goes wrong with the line, it is a private situation, not a public one.

Mayor Graham remarked that on the practical side, the City goes in and makes the necessary repairs.

Attorney Slye explained that he was just trying to make it clear that the City doesn't legally have to do so. However, when the City does do so, it should be paid.

Mr. Keefer explained that the Town of Pamela plows the street and the weight of the plows is what broke the line.

# Watertown Water Department

## Inter-office Memo

DATE: July 20, 2004

**TO:** Mary Corriveau, City Manager

**FROM:** Gary Pilon, Supt. of Water

**SUBJECT:** Common Water lines on Non-Dedicated Streets

There are a handful of streets in the City that do not have water mains on them and consequently the properties are serviced by "private" water services. In most cases these lines were installed several decades ago and, because of the distance to the public water main, several houses or buildings were connected to a common line that, in most cases is undersized and inadequate. These lines are old and prone to rupturing and freezing. Past practice has been to charge all of the owners of the properties connected to a common line an equal share of the repair costs, when we have had to repair or replace the lines.

There used to be several more streets upon which this situation existed. Over the years, through various programs, the common service lines have been replaced with water mains on many of those streets, in most cases at little or no expense to the property owners. Some examples are as follows:

Wealtha Avenue	CDBG Grant – The street was fully developed and accepted.
Morrison Avenue	CDBG Grant – The street was fully developed and accepted.
Haven Street	The City Council declared a public health emergency. This street is still a private street.
Flower Street	Same as above.
State Place	Same as above
Ferguson Avenue	5 Properties paid a share to have a new 2" common line installed.
Emerson Place	In connection with the NESNID project.
Gotham Street	A water main was extended through Thompson Park to serve 4 houses and a church on Gotham St. hill. The houses had previously been served by private water services. City expense.

These are a few that came to mind and I am sure there were others.

As I have previously stated, there are a handful of streets or locations left in the City where the property owners seem to be treated differently from the norm. A few examples are:

Merline Avenue  
West Street area (including Sheridan Street)  
Rutland Place  
Camp Avenue  
Bingham Avenue  
Boyd Place  
Hewitt Street

I am sure there are a few more that I have missed.

As the Mayor and some of the Council members have indicated, somehow it doesn't seem proper to treat the property owners on these streets differently from the majority of property owners in the City, especially when we are charging all of them the same price for their water.

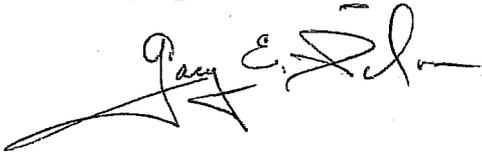
Through their water bills, these property owners have paid for numerous water system upgrades throughout the City, yet they have not been afforded adequate service to their own properties. In the interest of parity, as well as in the interest of public health, the common lines to these properties should become the responsibility of the City for maintenance and future replacement and upgrade.

Section 301-20 of the Municipal Code sets forth the charges that are to be applied to properties when the City Council deems it necessary to extend a water main for the benefit of property owners abutting a street. This section of the Code **exempts** properties that are already being served from an intersecting street. As I understand it, if a water main is extended to serve properties on a street, the properties that benefit are required to pay a pro-rata share of the costs of installing a 6" pipe, based on the lot frontage. The properties on one side would pay for 1/3, the properties on the other side would pay 1/3, and the city would pay 1/3, plus any costs that would have been applied to the exempted properties.

The properties on these streets, in most cases, are already served from an intersecting street. Therefore it could be concluded that the city should pay for the entire cost of the common service line or water main that is extended.

In most cases, when the City replaces an existing water main on a street, the water services from the main to the curb-stop are replaced as part of the project. The curb-stop to meter portion of the service remains the responsibility of the property owner.

I believe that the City should accept responsibility for any required repairs or replacement of these common water services serving non-commercial structures.

A handwritten signature in black ink, appearing to read "Gary E. Shelton". The signature is written in a cursive style with a long horizontal stroke extending to the left.

§ 301-20. Main extension charges. [Amended 12-1-1986 by L.L. No. 1-1986]

A. Whenever the City Council shall deem it necessary to extend any water main for the benefit of property owners abutting a street in which it is necessary to lay and extend a water main, the cost of laying such water main shall be paid for in the following manner:

(1) The cost per foot of installing the water main and fire service shall be divided into thirds based on the cost of installing a water main six (6) inches in diameter.

(2) The abutting property on each side of the street shall be charged on a foot-frontage basis at a rate equal to one-third (1/3) of the total cost per foot of such six-inch water main.

(3) A property already served by a water main on an intersecting street shall:

(a) If vacant at the time of construction of the water main, be exempt for a maximum depth of one hundred twenty-five (125) feet, and any balance of frontage shall be included in the charge.

(b) If occupied by structures which are necessary to the existing occupation or use, have an exemption to include the existing structures and their property line restrictions, as provided in the Building Code, EN provided that such exemption shall not exceed two hundred fifty (250) feet.

(4) After the charges have been made against the property owners, the balance of the costs, including one-third (1/3) of the total cost per foot of any exempt corner property and street intersection costs, shall be paid for by the Water Department.

B. All charges shall be paid within ninety (90) days of the date of billing, and if not paid in full within said ninety (90) days, interest of one-half of one percent (1/2 of 1%) per month shall be charged to date of payment.

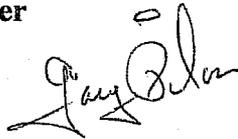
# Watertown Water Department

## Inter-office Memo

DATE: July 2, 2004

TO: Mary Corriveau, City Manager

FROM: Gary Pilon, Supt. of Water



SUBJECT: Merline Avenue Water Services

Mayor Graham received a request from a Mr. Delaney to "look into" the water service situation in the 500 block of Merline Avenue.

There currently are five (5) houses in the 500 block of Merline Avenue that are provided with City water through two (2) private water service lines. Houses numbered 572, 592, and 594 Merline Avenue are situated on the northeast side of the street. Houses numbered 561 and 583 Merline Avenue are located on the southwest side of the street. There is a history of these two service lines breaking, having low pressure, and freezing over the past several years. We repaired one line a couple of weeks ago.

Current records in the City's assessment department indicate that Joseph Delaney is the owner of three of the five houses. They are 572, 592 and 594 Merline Avenue and are all located on the northeast side of the street. The assessment department lists Mrs. Karen Youngs as the owner of House number 561 Merline Avenue and Edna Oatman as the owner of house number 583 Merline Avenue, each of which is located on the southwest side of the street.

594, 592, and 561 Merline Avenue share a water service that consists of a  $\frac{3}{4}$ " copper line that connects to a 1" galvanized steel line, then breaks down to  $\frac{3}{4}$ " galvanized and copper, then to  $\frac{1}{2}$ " copper. 583 and 572 Merline Avenue are serviced by a common  $\frac{3}{4}$ " copper line with  $\frac{1}{2}$ " copper individual service connections. Neither of these lines should feed more than one house and both have experienced many problems over the years.

In 1989, a Mr. Terry Delaney requested that the City install a water main in the 500 block of Merline Avenue to allow him to place a modular home on a vacant lot on that street. He was furnished with the Municipal Code provisions for applying for the water main extension and told that the bulk of the cost would most likely be borne by him if a project was approved, because the other houses were already connected to the City mains. (See section 301-20 of the Municipal Code, formerly Section 237-20, a copy of which is attached for reference.)

In 1994, then 9<sup>th</sup> Ward Supervisor, John Davis addressed the City Council about the problems these properties were experiencing with regard to their water services. A report was presented to T. Urling Walker, who was City Manager at the time. A copy of that report is attached for reference. Estimates were prepared at that time for the cost of installing an 8" water main and separate water

service lines to the houses. In 1994, it was estimated that the installation of an 8" water main would cost between \$30,000 and \$35,000, depending on how much rock removal would be required.

This street is not a dedicated city street and is considered to be a private street. Historically, the City has taken a stand that infrastructure extensions shall be at the expense of the properties that will benefit from the extension, with the cost being shared proportionately. In cases of subdivision development or requests for water main extensions that are approved by the City Council, the City may absorb one third the cost of the installation of a water main and pro-rate the remaining cost to the benefiting properties on both sides of a street. In instances where a single developer or property owner benefits, that property owner generally is required to pay the entire cost of installation, even if the water main is eventually turned over to the City for future maintenance.

As the situation currently exists for these properties, the two services are considered to be privately owned water services that happen to be shared by more than one property.

In the past, the City has replaced similar shared services with slightly larger lines, with the cost of the common line being equally shared and the separate "branch" services being paid for by the individual properties that are served. A suggestion was made that perhaps a 2" copper line with ¾" individual services could be installed utilizing the existing trench routes to avoid excess rock removal. The cost was estimated to be in the neighborhood of \$12,000, which would be split five ways (more if other lots are to be built upon or serviced).

The Municipal Code requires the "consumer" or property owner to pay for the entire cost of installation, repair, or replacement of water service lines to a property. A single water service line currently costs between \$2,000 and \$3,000 on the average. In some cases the costs are higher. In 1994, Karen Youngs was given an estimate of \$3,195.58 to replace her service at 561 Merline Avenue with a new ¾" line from Morrison Street to her house. She did not have that done.

I believe the property owners in this area have been informed on more than one occasion of the options available to them. To date, no one has agreed to take the steps to have the work done.

I have an appointment set up for Tuesday, July 6, 2004 with a Mr. Delaney.

cc: Cody Salisbury, Supervisor of Water Distribution Systems Maintenance

July 28, 2011

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To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Notice of Public Hearing, Thousand Islands Hospitality, LLC

The attached Public Hearing notice was received this week from the Jefferson County Industrial Development Agency regarding providing financial assistance to Thousand Islands Hospitality, LLC. This corporation is constructing the 103 unit Fairfield Inn with ancillary facilities at 250 Commerce Park Drive. The financial assistance to be provided consists of exemptions from sales and mortgage recording taxes.

The Public Hearing will be held on August 3, 2011 at 9:00 a.m. at 800 Starbuck Avenue.

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, as amended, (the "**Act**") will be held by the **Jefferson County Industrial Development Agency**, having an address of 800 Starbuck Avenue, Watertown, New York 13601 (the "**Agency**") on August 3, 2011, at 9:00 o'clock A.M., local time, at the Agency's office located at 800 Starbuck Avenue, Watertown, New York 13601.

**Thousand Islands Hospitality LLC**, (the "**Company**"), has requested that the Agency assist it in the construction and equipping of a 103 unit Fairfield Inn with ancillary facilities to be located at 250 Commerce Park Drive, in the City of Watertown, County of Jefferson, State of New York (the "**Project**") by taking title to the Project and leasing it back to the Company or by taking a lease from the Company and leasing it back to the Company. The Company will be the operator of the Project.

The Agency contemplates providing financial assistance with respect to the Project in the form of exemptions from sales taxes and mortgage recording taxes, pursuant to the Issuer's Uniform Tax Exemption Policy adopted in accordance with Section 874 of the Act.

The Company's application for the Project is on file with the Agency and is available to the public by contacting the Agency at its address above.

The Agency will at said time and place hear all persons with views on, and receive all written materials with respect to the granting of the financial assistance contemplated by the Agency, or the location or nature of the Project.

DATED: July 22, 2011

JEFFERSON COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: s/ Donald C. Alexander  
Donald C. Alexander  
Chief Executive Officer

WDT  
7/23/11

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DATED: July 22, 2011

JEFFERSON COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY

By: s/ Donald C. Alexander  
Chief Executive Officer